

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case
10-CA-266324Date Filed
09-18-2020**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT					
a. Name of Employer Pain Relief Centers		b. Tel. No. (828) 469-1100			
		c. Cell No. (704) 880-0197			
		f. Fax No.			
d. Address (Street, city, state, and ZIP code) 1224 Commerce St. SW Ste D NC Conover 28613-____		e. Employer Representative Hans Hansen Dr.			
				g. e-Mail hhansen@painreliefcenters.com	
				h. Number of workers employed 12	
i. Type of Establishment (factory, mine, wholesaler, etc.) Healthcare		j. Identify principal product or service Pain management			
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 4 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.					
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)					
--See additional page--					
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Krisandra Edwards Title:					
4a. Address (Street and number, city, state, and ZIP code) 1912 Cordia Cir NC NEWTON 28658-8292		4b. Tel. No. (904) 652-4329			
		4c. Cell No.			
		4d. Fax No.			
		4e. e-Mail kedwards63@rocketmail.com			
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)					
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (904) 652-4329			
By Krisandra Edwards (signature of representative or person making charge)		Krisandra Edwards Title: (Print/type name and title or office, if any)			
1912 Cordia Cir Address NEWTON NC 28658-8292		Fax No.			
09/18/2020 11:39:21 (date)		e-Mail kedwards63@rocketmail.com			

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(4)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) filed charges or cooperated with the NLRB.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
Krisandra Edwards	Civil Law Suit	Aug/Sep
Miranda Cox	Civil Law Suit	Aug/Sep 2020
Yessenia Ramirez	Civil Law Suit	Aug/Sep 2020
Amber Whitlock	Civil Law Suit	Aug/Sep 2020
Erin Whitlock	Civil Law suit	Aug/Sep 2020

8(a)(1)

The Employer filed civil litigation against the above-named employees in retaliation for their Section 7 activities



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210



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September 18, 2020

Hans Hansen, Dr.
Pain Relief Centers
1224 Commerce St. SW Ste D
Conover, NC 28613

Re: Pain Relief Centers
Case 10-CA-266324

Dear Mr. Hansen:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney JOEL R. WHITE whose telephone number is (336)582-7144. If this Board agent is not available, you may contact Deputy Regional Attorney LISA R. SHEARIN whose telephone number is (336)582-7142.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Lisa Y. Henderson
Acting Regional Director



By:

Shannon R. Meares
Acting Officer-in-Charge

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

10-CA-266324

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PAIN RELIEF CENTERS

Charged Party

and

KRISANDRA EDWARDS

Charging Party

Case 10-CA-266324

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 18, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Hans Hansen, Dr.
Pain Relief Centers
1224 Commerce St. SW Ste D
Conover, NC 28613

September 18, 2020

Date

Kalsey Harrison,
Designated Agent of NLRB

Name

/s/ Kalsey Harrison

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210



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September 18, 2020

Krisandra Edwards
1912 Cordia Cir
NEWTON, NC 28658-8292

Re: Pain Relief Centers
Case 10-CA-266324

Dear Mrs. Edwards:

The charge that you filed in this case on September 18, 2020 has been docketed as case number 10-CA-266324. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney JOEL R. WHITE whose telephone number is (336)582-7144. If this Board agent is not available, you may contact Deputy Regional Attorney LISA R. SHEARIN whose telephone number is (336)582-7142.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text

messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Lisa Y. Henderson
Acting Regional Director



By:

Shannon R. Meares
Acting Officer-in-Charge

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:**DO NOT WRITE IN THIS SPACE**

Case

Date Filed

10-CA-266324

December 2, 2020

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Pain Relief Centers		b. Tel. No. (828)469-1100
		c. Cell No. (704)880-0197
d. Address (street, city, state ZIP code) 1224 Commerce St. SW Ste D, Conover, NC 28613	e. Employer Representative Hans Hansen Dr.	f. Fax No.
		g. e-Mail hhansen@painreliefcenters.com
		h. Dispute Location (City and State) Conover, NC
i. Type of Establishment (factory, nursing home, hotel) Healthcare	j. Principal Product or Service Pain management health services	k. Number of workers at dispute location 12

I. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (*set forth a clear and concise statement of the facts constituting the alleged unfair labor practices*)

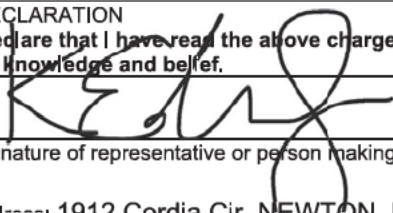
Within the past six months, the Employer filed civil litigation against employees Krisandra Edwards, Miranda Cox, Yesenia Ramirez-Zavala, Amber Whitlock, and Erin Stiltner because of their concerted activities.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Krisandra Marie Edwards

4a. Address (street and number, city, state, and ZIP code) 1912 Cordia Cir, NEWTON, NC 28658-8292	4b. Tel. No. (904)652-4329
	4c. Cell No. (904)652-4329
	4d. Fax No.
	4e. e-Mail kedwards63@rocketmail.com

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (*to be filled in when charge is filed by a labor organization*)

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (904)652-4329
By: 	Krisandra Marie Edwards	Office, if any, Cell No. (904)652-4329
(signature of representative or person making charge)	Print Name and Title	Fax No.
Address: 1912 Cordia Cir, NEWTON, NC 28658-8292	Date: December 2, 2020	e-Mail kedwards63@rocketmail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210



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December 3, 2020

Hans Hansen, Dr.
Pain Relief Centers
1224 Commerce St. SW Ste D
Conover, NC 28613

Re: Pain Relief Centers
Case 10-CA-266324

Dear Mr. Hansen:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney JOEL R. WHITE whose telephone number is (336)582-7144. If the agent is not available, you may contact Deputy Regional Attorney LISA R. SHEARIN whose telephone number is (336)582-7142.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.


Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to

comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

LISA Y. HENDERSON
Acting Regional Director

By: 
SCOTT C. THOMPSON
Officer in Charge

Enclosure: Copy of first amended charge

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PAIN RELIEF CENTERS

Charged Party

and

KRISANDRA MARIE EDWARDS

Charging Party

Case 10-CA-266324

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on December 3, 2020, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Hans Hansen, Dr.
Pain Relief Centers
1224 Commerce St. SW Ste D
Conover, NC 28613

December 3, 2020

Date

TABATHA THOMAS
Designated Agent of NLRB

Name

/s/ Tabatha Thomas

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210



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Mobile App

December 3, 2020

Krisandra Marie Edwards
1912 Cordia Cir
Newton, NC 28658-8292

Re: Pain Relief Centers
Case 10-CA-266324

Dear Mrs. Edwards:

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney JOEL R. WHITE whose telephone number is (336)582-7144. If the agent is not available, you may contact Deputy Regional Attorney LISA R. SHEARIN whose telephone number is (336)582-7142.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

LISA Y. HENDERSON
Acting Regional Director

By: 
SCOTT C. THOMPSON
Officer in Charge

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

<p>PAIN RELIEF CENTERS, P.A.</p> <p>and</p> <p>KRISANDRA MARIE EDWARDS, an Individual</p>

CASE 10-CA-266324

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Pain Relief Centers, P.A.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Jonathan W. Yarbrough	
MAILING ADDRESS: 84 Peachtree Road, Suite 230, Asheville, NC 28803	
E-MAIL ADDRESS: jyarbrough@constangy.com	
OFFICE TELEPHONE NUMBER: 828-277-5137	
CELL PHONE NUMBER: 828-215-3529	FAX: 828-277-5138
SIGNATURE: 	
DATE: 6/2/21 (Please sign in ink.)	

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

PAIN RELIEF CENTERS, P.A.

and

KRISANDRA MARIE EDWARDS, an Individual, et al

CASE 10-CA-266324

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Pain Relief Centers, P.A.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: David P. Phippen, Esq.
MAILING ADDRESS: Constangy, Brooks, Smith & Prophete, LLP
12500 Fair Lakes Circle, Suite 300, Fairfax, VA 22033-3804
E-MAIL ADDRESS: dhippen@constangy.com
OFFICE TELEPHONE NUMBER: 571-522-6105
CELL PHONE NUMBER: 703-568-2864 FAX: 571-522-6101
SIGNATURE: David P. Phippen / Constangy
(Please sign in ink.)
DATE: 6/3/21

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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10, SUBREGION 11**

PAIN RELIEF CENTERS, P.A.

and

Case 10–CA–266324

KRISANDRA MARIE EDWARDS, an Individual

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Krisandra Marie Edwards, an individual. It is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 151 et seq. (the Act), and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Pain Relief Centers, P.A. (Respondent) has violated the Act as described below.

1.

(a) Krisandra Marie Edwards filed the charge in this proceeding on September 18, 2020, and a copy was served on Respondent by U.S. mail on the same date.

(b) Krisandra Marie Edwards filed an amended charge in this proceeding on December 2, 2020, and a copy was served on Respondent by U.S. mail on December 3, 2020.

2.

At all material times, Respondent has been a professional corporation engaged in interventional pain and addiction management from its medical offices in Conover and Salisbury, North Carolina.

3.

In conducting its operations as described above in paragraph 2, Respondent annually derives gross revenues in excess of \$250,000 and purchases and receives at its Conover and Salisbury, North Carolina medical offices goods valued in excess of \$5,000 directly from points outside the State of North Carolina.

4.

At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act and has been a health care institution within the meaning of Section 2(14) of the Act.

5.

(a) At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Dr. Hans Hansen	—	Owner
Sharese Cromer	—	Practice Manager

(b) At all material times, Respondent's unnamed legal representative has been an agent of Respondent within the meaning of Section 2(13) of the Act.

6.

The individuals below, on the dates set forth next to their names, filed with the Board the identified unfair labor practice charges against Respondent and, in the case of Amber Whitlock, an amended charge against Respondent.

Charging Party	Case	Date Filed	Amended
Amber Whitlock	10-CA-260563	May 19, 2020	Aug. 18, 2020
Krisandra Marie Edwards	10-CA-260566	May 19, 2020	

Miranda Keener Cox	10-CA-260569	May 19, 2020	
Erin Whitlock Stiltner	10-CA-260570	May 19, 2020	
Yesenia Ramirez-Zavala	10-CA-260703	May 22, 2020	

7.

(a) Following an investigation, the Acting Regional Director of Region 10, on August 19, 2020 issued a Complaint and Notice of Hearing against Respondent on the charges identified above in paragraph 6; and

(b) On February 22, 23, 24, and March 2, 2021, an Administrative Law Judge of the Board conducted a hearing on the unfair labor practice charges and Complaint described above in paragraphs 6 and 7(a), respectively.

8.

About September 1, 2020, Respondent, by its unnamed legal representative described above in paragraph 5(b), filed and since then has prosecuted a lawsuit against Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Whitlock Stiltner, and Yesenia Ramirez-Zavala, in the Superior Court of North Carolina in Catawba County, including by amending its lawsuit on about November 13, 2020.

9.

The lawsuit described above in paragraph 8 includes the following allegations:

(a) 62.^[1] Upon information and belief, each of the Defendants Edwards, Ramirez and Cox submitted complaints and/or affidavits with similar untrue and/or defamatory

¹ These numbers correspond to Respondent's numbered complaint paragraphs in its lawsuit.

statements to the National Labor Relations Board, including without limitation, falsely representing that Defendants were discharged.

(b) 70. Upon information and belief, Defendants have made false statements of and concerning one or more Plaintiffs similar to those statements that were published on Indeed.com, Facebook, the National Relations Board, and North Carolina Department of Commerce Division of Employment Security, which statements are untrue.

(c) 73. Plaintiffs have incurred special damages, including without limitation, attorney's fees required to investigate, respond to and defendant [sic] against NLRB claims made due to false and defamatory statements.

(d) 90. Edwards breached the terms of the "Nurse Practitioner Employment Contract" by soliciting, inducing, and attempting to influence" [sic] the four employees that Edwards supervised to terminate their relationship with PRC [Respondent Pain Relief Centers, P.A].

(e) 96. Edwards, Amber, Mandy, Erin and Yasenja [sic], without telling PRC to leave [sic] PRC's practice together intending to cripple PRC's business. Their Facebook posts support a complete disregard for their jobs and patient care responsibilities during a pandemic. The Facebook posts and Indeed posts support disrespect for Mrs. Cromer and malicious intent with regard to their actions.

(f) 98. Defendants conspired to file false claims with the National Labor Relations Board and the North Carolina Employment Security Division.

10.

The lawsuit described above in paragraph 8, to the extent it relies upon the allegations set forth above in paragraph 9, is preempted by federal law:

(a) because it interferes with the arguably protected right to engage in the conduct described above in paragraph 6 and to participate in the proceedings described above in paragraph 7.

(b) in the alternative, because it interferes with the actually protected right to engage in the conduct described above in paragraph 6, and to participate in the proceedings described above in paragraph 7.

11.

The lawsuit described above in paragraph 8, to the extent it relies upon the state-court allegations set forth above in paragraph 9(d) and (e), is preempted by federal law because these allegations target Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Whitlock Stiltner, and Yesenia Ramirez-Zavala's right under Section 7 of the Act to concertedly plan a walkout protesting their treatment at work.

12.

About September 15, 2020, Respondent served discovery requests on Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Whitlock Stiltner, and Yesenia Ramirez-Zavala relating to the lawsuit described above in paragraph 8, including a request for production of documents and interrogatories, containing the following:

(a) 11.^[2] Please provide all Documents you submitted to the National Labor Relations Board relating to the NLRB charge and/or NLRB Complaint.

² These numbers correspond with the paragraph numbers in Respondent's First Request for Production of Documents to Defendants.

(b) 17. To the extent not provided in response to a prior requests [sic], provide all Documents that you may offer to introduce into evidence, or use as an exhibit for motion or hearing before the NLRB.

(c) 26. Please identify all persons, with sufficient specificity, for the issuance of a subpoena or notice of deposition with whom you discussed preparing, filing, and/or continuing the NLRB charges.

(d) 27. Please identify all persons, with sufficient specificity, for the issuance of a subpoena or notice of deposition with whom you discussed preparing, filing, and/or continuing the NLRB complaint.

(e) 28. Please identify an [sic] facts you alleged support a violation of the National Labor Relations Act.

(f) 29. Please identify all persons you have contacted regarding and/or asking if such person would be a witness relating to the changed [sic] you asserted with NLRB.

13.

Respondent's request for production of documents and interrogatories set forth above in paragraph 12 pertain to allegations described above in 9 and:

(a) are preempted by federal law as set forth in paragraphs 10 and 11 and are, therefore, not relevant to Respondent's lawsuit, and

(b) included information related to communications protected by Section 7 of the Act, and Respondent's need for the information did not justify the requests' significant impingement of employees' Section 7 confidentiality interests.

14.

By the conduct described above in paragraphs 8 through 13, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

15.

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

REMEDIES

As part of the remedy for the unfair labor practices alleged above in paragraphs 8 through 14, the Acting General Counsel seeks an Order requiring Respondent to withdraw the allegations in its lawsuit described above in paragraph 9, with prejudice, and to reimburse Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Whitlock Stiltner, and Yesenia Ramirez-Zavala, for all costs and expenses incurred in defending themselves regarding the preempted allegations described above in paragraph 9, the discovery requests described above in paragraph 12 in the lawsuit, and those attendant to pursuing this matter, Case 10–CA–266324.

As part of the remedy for the unfair labor practices alleged above in paragraphs 8 through 14, the Acting General Counsel also seeks an Order requiring that at a meeting or meetings scheduled to ensure the widest possible attendance, Respondent's representative Hans Hansen, in the presence of Sharese Cromer and a Board Agent, to read the notice to the employees in English on worktime. Alternatively, the Acting General Counsel seeks an order requiring that Respondent promptly have a Board agent read the notice to employees during worktime in the presence of Hans Hansen and Sharese Cromer.

The Acting General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before April 23, 2021, or postmarked on or before April 22, 12021.** Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a PDF document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a PDF file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three business days after the date of electronic filing. Service of the answer on each of the other

parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE that on **June 15, 2021, at 10:00 am (EDT), at a place to be determined**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: April 9 2021

Lisa Y. Henderson
Acting Regional Director
National Labor Relations Board
Region 10, by



Scott C. Thompson
Officer-In-Charge
National Labor Relations Board
Subregion 11
4035 University Pkwy Suite 200
Winston Salem, NC 27106-3275

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 10-CA-266324

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Hans Hansen, Dr.
Pain Relief Centers
1224 Commerce St. SW Ste D
Conover, NC 28613

Matthew K. Rogers
Law Offices of Matthew K. Rogers, PLLC
PO Box 9096
Hickory, NC 28603

Krisandra Marie Edwards
1912 Cordia Cir
Newton, NC 28658-8292

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10, SUBREGION 11**

PAIN RELIEF CENTERS, P.A.

and

KRISANDRA MARIE EDWARDS, an Individual

Case 10-CA-266324

AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)

I, Stephen J. Waring, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on April 9, 2021, I served the above-entitled document(s) by **Electronic Service**, as noted below, upon the following persons, addressed to them at the following addresses:

Hans Hansen, Dr.
Pain Relief Centers
1224 Commerce St. SW Ste D
Conover, NC 28613
hhansen@painreliefcenters.com

ELECTRONIC SERVICE

Matthew K. Rogers
Law Offices of Matthew K. Rogers, PLLC
PO Box 9096
Hickory, NC 28603
rogersmk@mrbizlaw.com

ELECTRONIC SERVICE

Krisandra Marie Edwards
1912 Cordia Cir
Newton, NC 28658-8292
kedwards63@rocketmail.com

ELECTRONIC SERVICE

April 9, 2021

Date

Stephen J. Waring
Designated Agent of NLRB

Name

/s/ Stephen J. Waring

Signature

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10, SUBREGION 11**

PAIN RELIEF CENTERS, P.A.

and

Case 10–CA–266324

KRISANDRA MARIE EDWARDS, an Individual

AMENDED COMPLAINT

Pursuant to Section 102.17 of the Rules and Regulations of the National Labor Relations Board (the Board), the Complaint and Notice of Hearing issued on April 9, 2021, is amended as follows:

1.

(a) Krisandra Marie Edwards filed the charge in this proceeding on September 18, 2020, and a copy was served on Respondent by U.S. mail on the same date.

(b) Krisandra Marie Edwards filed an amended charge in this proceeding on December 2, 2020, and a copy was served on Respondent by U.S. mail on December 3, 2020.

2.

At all material times, Respondent has been a professional corporation engaged in interventional pain and addiction management from its medical offices in Conover and Salisbury, North Carolina.

3.

In conducting its operations as described above in paragraph 2, Respondent annually derives gross revenues in excess of \$250,000 and purchases and receives at its Conover and

Salisbury, North Carolina medical offices goods valued in excess of \$5,000 directly from points outside the State of North Carolina.

4.

At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act and has been a health care institution within the meaning of Section 2(14) of the Act.

5.

(a) At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Dr. Hans Hansen	—	Owner
Sharese Cromer	—	Practice Manager

(b) At all material times, Respondent's unnamed legal representative has been an agent of Respondent within the meaning of Section 2(13) of the Act.

6.

The individuals below, on the dates set forth next to their names, filed with the Board the identified unfair labor practice charges against Respondent and, in the case of Amber Whitlock, an amended charge against Respondent.

Charging Party	Case	Date Filed	Amended
Amber Whitlock	10-CA-260563	May 19, 2020	Aug. 18, 2020
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Erin Whitlock Stiltner	10-CA-260570	May 19, 2020	
Yesenia Ramirez-Zavala	10-CA-260703	May 22, 2020	

7.

(a) Following an investigation, the Acting Regional Director of Region 10, on August 19, 2020, issued a Complaint and Notice of Hearing against Respondent on the charges identified above in paragraph 6; and

(b) On February 22, 23, 24, and March 2, 2021, an Administrative Law Judge of the Board conducted a hearing on the unfair labor practice charges and Complaint described above in paragraphs 6 and 7(a), respectively.

8.

About September 1, 2020, Respondent, by its unnamed legal representative described above in paragraph 5(b), filed and since then has prosecuted a lawsuit against Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Whitlock Stiltner, and Yesenia Ramirez-Zavala, in the Superior Court of North Carolina in Catawba County, including by amending its lawsuit on about November 13, 2020.

9.

The lawsuit described above in paragraph 8 includes the following allegations:

(a) 62.^[1] Upon information and belief, each of the Defendants Edwards, Ramirez and Cox submitted complaints and/or affidavits with similar untrue and/or defamatory statements to the National Labor Relations Board, including without limitation, falsely representing that Defendants were discharged.

¹ These numbers correspond to Respondent's numbered complaint paragraphs in its amended lawsuit.

(b) 70. Upon information and belief, Defendants have made false statements of and concerning one or more Plaintiffs similar to those statements that were published on Indeed.com, Facebook, the National Relations Board, and North Carolina Department of Commerce Division of Employment Security, which statements are untrue.

(c) 73. Plaintiffs have incurred special damages, including without limitation, attorney's fees required to investigate, respond to and defendant [sic] against NLRB claims made due to false and defamatory statements.

(d) 90. Edwards breached the terms of the "Nurse Practitioner Employment Contract" by soliciting, inducing, and attempting to influence" [sic] the four employees that Edwards supervised to terminate their relationship with PRC [Respondent Pain Relief Centers, P.A].

(e) 96. Edwards, Amber, Mandy, Erin and Yasenja [sic], without telling PRC to leave [sic] PRC's practice together intending to cripple PRC's business. Their Facebook posts support a complete disregard for their jobs and patient care responsibilities during a pandemic. The Facebook posts and Indeed posts support disrespect for Mrs. Cromer and malicious intent with regard to their actions.

(f) 98. Defendants conspired to file false claims with the National Labor Relations Board and the North Carolina Employment Security Division.

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The lawsuit described above in paragraph 8, to the extent it relies upon the allegations set forth above in paragraph 9, is preempted by federal law:

(a) because it interferes with the arguably protected right to engage in the conduct described above in paragraph 6 and to participate in the proceedings described above in paragraph 7.

(b) in the alternative, because it interferes with the actually protected right to engage in the conduct described above in paragraph 6, and to participate in the proceedings described above in paragraph 7.

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The lawsuit described above in paragraph 8, to the extent it relies upon the state-court allegations set forth above in paragraph 9(d) and (e), is preempted by federal law because these allegations target Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Whitlock Stiltner, and Yesenia Ramirez-Zavala's right under Section 7 of the Act to concertedly plan a walkout protesting their treatment at work.

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(a) 11.^[2] Please provide all Documents you submitted to the National Labor Relations Board relating to the NLRB charge and/or NLRB Complaint.

² These numbers correspond with the paragraph numbers in Respondent's First Request for Production of Documents to Defendants.

(b) 17. To the extent not provided in response to a prior requests [sic], provide all Documents that you may offer to introduce into evidence, or use as an exhibit for motion or hearing before the NLRB.

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(d) 27. Please identify all persons, with sufficient specificity, for the issuance of a subpoena or notice of deposition with whom you discussed preparing, filing, and/or continuing the NLRB complaint.

(e) 28. Please identify an [sic] facts you alleged support a violation of the National Labor Relations Act.

(f) 29. Please identify all persons you have contacted regarding and/or asking if such person would be a witness relating to the changed [sic] you asserted with NLRB.

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Respondent's request for production of documents and interrogatories set forth above in paragraph 12 pertain to allegations described above in paragraph 9 and:

(a) are preempted by federal law as set forth in paragraphs 10 and 11 and are, therefore, not relevant to Respondent's lawsuit, and

(b) included information related to communications protected by Section 7 of the Act, and Respondent's need for the information did not justify the requests' significant impingement of employees' Section 7 confidentiality interests.

(a) About April 9, 2021, the Acting Regional Director for Region 10 of the Board, by the Officer-In-Charge of Subregion 11, by letter, advised Respondent that as a result of the issuance of the Complaint and Notice of Hearing on April 9, 2021, the allegations described above in paragraph 9 and requests for production of documents and interrogatories described above in paragraph 12 are preempted until such time as the Board determines that those allegations are lawful under the Act. The letter further advised Respondent that it had 7 days to stay the lawsuit with respect to the cited allegations and specific discovery requests or withdraw the allegations and discovery requests, or Respondent might be subject to additional liability under the Act.

(b) The allegations described above in paragraph 9 and requests for production of documents and interrogatories described above in paragraph 12 are preempted under *Loehmann's Plaza*, 305 NLRB 663 (1991), because the Board has exclusive jurisdiction over the issues they raise.

Since about April 16, 2021 and continuing to date, Respondent is pursuing the allegations described above in paragraph 9 and requests for production of documents and interrogatories described above in paragraph 12, despite receiving the notification referred to in paragraph 14.

By the conduct described above in paragraphs 8 through 13, and paragraph 15, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

17.

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

REMEDIES

As part of the remedy for the unfair labor practices alleged above in paragraphs 8 through 13 and paragraphs 15 and 16, the Acting General Counsel seeks an Order requiring Respondent to withdraw the allegations in its lawsuit described above in paragraph 9, and its discovery requests described above in paragraph 12, with prejudice, and to reimburse Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Whitlock Stiltner, and Yesenia Ramirez-Zavala, for all costs and expenses incurred in defending themselves regarding the preempted allegations described above in paragraph 9, the discovery requests described above in paragraph 12, and those attendant to pursuing this matter, Case 10–CA–266324.

As part of the remedy for the unfair labor practices alleged above in paragraphs 8 through 13 and paragraphs 15 and 16, the Acting General Counsel also seeks an Order requiring that at a meeting or meetings scheduled to ensure the widest possible attendance, Respondent's representative Hans Hansen, in the presence of Sharese Cromer and a Board Agent, to read the notice to the employees in English on worktime. Alternatively, the Acting General Counsel seeks an order requiring that Respondent promptly have a Board agent read the notice to employees during worktime in the presence of Hans Hansen and Sharese Cromer.

The Acting General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the amended complaint. The answer must be **received by this office on or before May 11, 2021 or postmarked on or before May 10, 2021.**

Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a PDF document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a PDF file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is

filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the amended complaint are true.

Dated: April 27, 2021

Lisa Y. Henderson
Acting Regional Director
National Labor Relations Board
Region 10
Peachtree Summit Federal Building
401 W. Peachtree Street, NE
Suite 2201
Atlanta, GA 30308

A handwritten signature in dark ink, appearing to read "Thompson", is written over a horizontal line.

Scott C. Thompson
Officer in Charge
National Labor Relations Board
Region 10, Subregion 11
4035 University Pkwy Suite 200
Winston Salem, NC 27106-3275

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SUBREGION 11**

PAIN RELIEF CENTERS

and

Case 10-CA-266324

KRISANDRA MARIE EDWARDS, an Individual

AFFIDAVIT OF SERVICE OF: Amended Complaint

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on April 27, 2021, I served the above-entitled document(s) by **E-Issuance**, as noted below, upon the following persons, addressed to them at the following addresses:

Hans Hansen , Dr.
Pain Relief Centers
1224 Commerce St. SW Ste D
Conover, NC 28613

E-Issuance

Matthew K. Rogers
PO Box 9096
Hickory, NC 28603

E-Issuance

Krisandra Marie Edwards
1912 Cordia Cir
NEWTON, NC 28658-8292

E-Issuance

April 27, 2021

Kalsey Harrison,
Designated Agent of NLRB

Date

Name

/s/ Kalsey Harrison

Signature

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10, SUBREGION 11**

The Pain Relief Centers, P.A.

Case: 10-CA-266324

And

Krisandra Marie Edwards, an Individual

**THE PAIN RELIEF CENTERS, P.A.'S MOTION TO DISMISS, MOTION FOR
SUMMARY JUDGMENT AND ANSWER TO AMENDED COMPLAINT**

The Pain Relief Centers, P.A. ("PRC" and/or "Respondent") by and through its undersigned counsel, respond to the Amended Complaint filed by the Acting Regional Director, National Labor Relations Board, Region 10, Subregion 11, purporting to relate to charge filed by Krisandra Marie Edwards ("Edwards") on behalf of herself as an individual (potentially on behalf of other claimants). Respondent PRC responds as follows:

GENERAL DENIAL

Except as otherwise expressly stated herein, Respondent denies each and every allegation contained in the Complaint and Amended Complaint, including, without limitation, any allegations contained in the preamble, headings, or subheadings of the Complaint and Amended Complaint. Respondent specifically denies that it violated the National Labor Relations Act ("NLRA") in any of the manners alleged in the Complaint, Amended Complaint or in any other manner. Pursuant to Section 102.20 of the Board's rules, averments in the Complaint to which no responsive pleading

is required shall be deemed as denied. Respondent expressly reserves the right to seek to amend and/or supplement its Answer as may be necessary.

MOTION TO DISMISS / MOTION FOR SUMMARY JUDGMENT

The charge and amended upon which the Amended Complaint was not properly served. Further the charge referenced in the Complaint and Amended Complaint fails to sufficiently identify conduct of Respondent that violates any section of the National Labor Relations Act. Federal Rule of Civil Procedure 12(b)(6) allows a defendant to move to dismiss a complaint due to a plaintiff's "failure to state a claim upon which relief can be granted." Under Federal Rule of Civil Procedure 8(a)(2), a complaint must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." Notably, although a complaint "does not need detailed factual allegations," Rule 8 requires "more than an unadorned, the-defendant-unlawfully-harmed-me accusation." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). "To survive a Rule 12(b)(6) motion to dismiss, plaintiffs' '[f]actual allegations must be enough to raise a right to relief above the speculative level,' thereby 'nudg[ing] their claims across the line from conceivable to plausible.' " *Aziz v. Alcolac, Inc.*, 658 F.3d 388, 391 (4th Cir. 2011) (quoting *Twombly*, 550 U.S. at 555). When considering a motion to dismiss under Rule 12(b)(6), the Court must accept the material facts alleged in the complaint as true, though statements of legal conclusions are not afforded the same assumption of truth. *Iqbal*, 556 U.S. at 678; *Aziz*, 658 F.3d at 391.

The charge referenced in the Amended Complaint (filed by a supervisor) states only, in chart form, under column heading "Type of discipline/retaliation" and "Civil Lawsuit". On December 2, 2020, a First Amended charge (filed by a supervisor) states only "[W]ithin the past six months, the Employer filed civil litigation against employees Krisandra Edwards, Miranda

Cox, Yesenia Ramirez-Zavala, Amber Whitlock, and Erin Stiltner because of their concerted activities”. On September 1, 2020, Respondent PRC filed Civil Action in Catawba County, North Carolina State Court against Defendants alleging claims for relief including: (1) Defamation-libel; (2) Defamation-Slander-Per Se & Per Quod; (3) Breach of Express Contract; (4) Breach of Implied / Quasi Contract; (5) Conspiracy to Defame; and (6) Conspiracy to Breach Contracts (“Civil Action”). None of the claims asserted by PRC in the Civil Action refers to protected concerted activity. Nothing about the filed charge nor amended charge suggests conduct covered by the NLRA or retaliatory motive. Further, the Amended Complaint takes specific allegations of the Civil Action out of context, and attempts to restate allegations in the Civil Action in a manner that is not consistent with the allegations made or claims made in the Civil Action. Considering the Civil Action and allegations therein on its face, the charge, amended charge, Complaint and Amended Complaint fail to state a claim upon which relief can be granted. Further, the NLRB’s Amended Complaint reveals facts that necessarily defeat the claims therein (including those conclusory allegations set forth in Amended Complaint paragraph 10), including by alleging that hearing was conducted as alleged in Amended Complaint paragraph 6(b). Further, neither the charge, amended charge, the Complaint or the Amended Complaint describe protected concerted activity or conduct constituting unfair labor practices affecting commerce as required by NLRB § 102.12 (4). See e.g., *Fen-Phen Series 2005-01 v. Farrin*, 2010 WL 1740521 (M.D.N.C. 2010). Further, the statute of limitations serves as an absolute bar to this Complaint and the Amended Complaint, including conduct occurring more than six months prior or which are not sufficiently detailed in the charge or amended charge. The General Counsel did not file a Complaint until more than six months following the date of the original charge (which is effectively the same as the amended charge). All claims alleged in the Complaint and Amended Complaint should be

dismissed. Further, testimony in the Consolidated Action proves that there was no protected concerted activity. Further, testimony in the Consolidated Action, including from Edwards that she had not discussed or planned a walkout, and did not intend to cause a walkout, proves that there was no protected concerted activity. In the alternative to dismissal of the Amended Complaint, the administrative law judge and National Labor Relations Board should find that Respondent PRC is entitled to summary judgment in its favor.

DEFENSES

Without assuming any burden of proof, persuasion or production not otherwise legally assigned to it as to any element of the claims alleged in the Consolidated Complaint, Respondent asserts the following defenses:

1. The Complaint, Amended Complaint and each purported claim for relief stated therein fail to allege facts sufficient to state a claim upon which relief may be granted.
2. PRC's conduct and decisions were based upon a number of varied factors, including without limitation that Krisandra Marie Edwards ("Edwards") was a supervisor not protected by the NLRA; Edwards, Miranda Cox, Yesenia Ramirez-Zavala, Amber Whitlock, and Erin Stiltner (together, "Claimants") were not discharged by Respondent; Edwards conduct breached her contract with PRC and violated North Carolina Medical and Nursing Board Policies, after Claimants voluntarily terminated their employment Claimants conduct was interfering with efforts to provide medical services during a pandemic, such conduct including defamatory statements preventing finding qualified personnel to provide medical services in a pandemic, and a valid legal basis for all PRC's claims for relief in the Civil Action (which remain pending in the Civil Action) and the Complaint (as amended) merely references a judicially

- noticeable action and takes no action to stop Claimants NLRB proceedings. There is no basis to assert any a retaliatory or improper motive or intent.
3. Claimant Edwards was a supervisor pursuant to Section 2(11) of the Act, and is not protected by the provisions cited by the charge, amended, Complaint or Amended Complaint. Edwards breached and refused to perform her contractual duties, and violated the professional and ethical obligations for Edwards profession, including the North Carolina Medical Board and North Carolina Nursing Board.
 4. That Claimants conduct in voluntarily walking out and resigning without prior notice at the beginning of a work day is not protected by the National Labor Relations Act. See e.g., *Smithfield Packing Company, Inc. v. National Labor Relations Board*, 510 F.3d 507 (2007) [finding that walking out during a shift which could cause extreme harm to the business was not protected concerted activity].
 5. Claimants claims in the prior and pending cases (10-CA-260563; 10-CA-260566; 10-CA-260569; 10-CA-260570 and 10-CA-260703, together, “Consolidated Action”) lack merit. Testimony in the Consolidated Action unequivocally establish none of the Claimants were discharged. Further, PRC’s testimony establishes that Claimants confidential affidavits were based on untrue statements. Further, testimony in the Consolidated Action, including from Edwards that she had not discussed or planned a walkout, and did not intend to cause a walkout, proves that there was no protected concerted activity.
 6. Complainant Edwards conduct was egregious and flagrant, reflects insubordination, and her conduct does not reflect reasonable decorum of a medical practice and

Edwards conduct undermined reasonable workplace discipline. *Media General Operations, Incorporated v. NLRB*, 560 F.3d 181 (2001).

7. It is not an unfair labor practice to discharge an employee for exhibiting a defiant and insulting attitude towards a co-worker or supervisor. See e.g., *Maryland Drydock Co. v. NLRB*, 183 F.2d 538, 540 (4th Cir.1950); also see *Media Gen. Operations, Inc. v. NLRB*, 394 F.3d 207, 212 (4th Cir.2005), also see *also Blaw-Knox Foundry & Mill Mach. Inc. v. NLRB*, 646 F.2d 113, 116 (4th Cir.1981).
8. Claimants acts, omissions and conduct estop Claimants charges and claims, including failing to offer to unconditionally return to work.
9. Claimants acts and omissions, including but not limited the filing of any charge or claim of discharge is fraudulent and/or negligent misrepresentation.
10. Claimants breached terms of their contracts and refused to perform terms of work.
11. Claimants waived their rights.
12. Claimants released Respondent of liability or obligation pursuant to the NLRA.
13. The statute of limitations is an absolute bar to claims asserted.
14. Claimants' conduct was not protected and/or concerted activity.
15. Respondent's alleged actions were undertaken in good faith and in the absence of unlawful intent, and constitute lawful, proper and justified means to further the purpose of Respondent to pursue legal recourse for private causes of action not subject to the National Labor Relations Act.
16. The Complaint, Amended Complaint, and any unfair labor practice alleged therein are barred, in whole or in part, on the grounds that even assuming arguendo that allegations are interpreted in a manner different than as stated in the Civil Action,

each purported unfair labor practice alleged constitutes isolated and/or *de minimis* violations of the Act, which have little or no meaning in effectuating the purposes of the Act. That Claimants have had a full hearing before Administrative Law Judge without having to provide potentially confidential discovery responses proves the *de minimis* nature of any conduct by PRC.

17. The Complaint and each unfair labor practice therein are barred, in whole or in part, on the grounds that the Complaint and Amended Complaint's allegations are impermissibly vague such that Respondent is unable to adequately understand the charges and issues presented for hearing and has effectively been denied due process.
18. The purported remedies requested by the action is not permitted according to policies and laws to protect the public health. Claimants have done nothing more than assert their Constitutional rights to trial by jury to determine that Claimants were not discharged and to pursue state law claims. Remedies requested by the NLRB jeopardize PRCs rights.

Respondent expressly reserves the right to amend this Answer in or to add, remove or revise defenses as may be warranted.

RESPONSE TO SPECIFIC ALLEGATIONS OF THE AMENDED COMPLAINT

Respondent hereby incorporates the foregoing by reference. In addition, Respondent states as follows in response to the specific allegations of the Complaint:

1. In response to Amended Complaint allegation #1, Respondent responds:
 - (a) In response to Amended Complaint allegation #1(a), Respondent admit it appears Krisandra Marie Edwards, a former supervisor of Respondent who voluntarily resigned on May 14, 2020 in violation of her contract appears to have filed a charge

on September 18, 2020. Respondent lacks sufficient information to admit or deny whether a copy of the charge was mailed to Respondent or whether such mailing amounts to valid service of process, and therefore denies that the charge was served. Except as expressly admitted, denied.

- (b) In response to Amended Complaint allegation #1(b), Respondent admits it appears Krisandra Marie Edwards, a former supervisor of Respondent who voluntarily resigned on May 14, 2020 in violation of her contract appears to have filed Amended charge on or about December 3, 2020. Respondent lacks sufficient information to admit or deny whether a copy of the charge was mailed to Respondent, and therefore cannot admit or deny whether a copy of the charge was mailed to Respondent or whether such mailing amounts to valid service of process, and therefore denies that the charge was served. Except as expressly admitted, denied.
2. In response to Amended Complaint allegation #2, it is admitted Respondent is a professional corporation engaged in the practice of medicine, including interventional pain and addiction management. It is admitted Respondent has two office locations, one in Conover and one in Salisbury, North Carolina. Except as expressly admitted, denied.
 3. In response to Amended Complaint allegation #3, admitted.
 4. In response to Amended Complaint allegation #4, it is admitted Respondent has been an employer engaged in commerce in the state of North Carolina as such appears defined in Section 2(2) of the Act. The definitions and meanings of Sections 2(6), (7) and (14) of the Act speak for themselves. Respondent denies that any of the conduct referenced in the Complaint or Amended Complaint occurred in commerce or affected commerce.

Respondent represents that professional services including the practice of law and medicine are not in and affecting commerce in the state of North Carolina. Except as expressly admitted, denied.

5. In response to Amended Complaint allegation #5, subsection 5(a), Dr. Hans Hansen is the owner of Respondent, but denies that “owner” is a “position” in which Hansen acted relating to the Amended Complaint or relevant to “all material times”. Respondent admits that Sharese Cromer (“Cromer”) was an office manager at PRC, and at certain times may have used the title of “Practice Manager.” Respondent denies that the Cromer was a supervisor pursuant to section 2(11) of the Act or was an agent of Respondent relating to the charge, amended charge, Complaint or Amended Complaint. Respondent denies that Cromer was a supervisor in relation to Edwards, Cox, Stiltner, Whitlock or Ramirez. Respondent denies that Hansen was an exclusive supervisor of Respondent. Further, the allegation is vague and appears to assume that both Hansen and Cromer were “general agents” in all respects, which with regard to Cromer is expressly denied. Except for what is expressly admitted, denied.

In response to Amended Complaint allegation #5(b), Respondent admits pursuant to Section 2(13) of the Act, “In determining whether any person is acting as an ‘agent’ of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.” Respondent denies that an attorney representing Respondent in a prior Consolidated Action or in the Civil Action is unqualified or general agent of Respondent within the meaning of Section 2(13) of the Act. Except as expressly admitted, denied.

6. In response to Amended Complaint allegation #6, it is admitted that Respondent believes individuals filed charges with the Board which charges did not identify any specific conduct of Respondent PRC which purported to violate the Act, which only recited generic language of the Act, and which must have relied on facts, including without limitation that (1) the individuals were discharged by PRC, and (2) that Edwards was not a supervisor, which facts were untrue. Respondent admits that in hearing before Administrative Law Judge in the Consolidated Action to attempting to question the named individuals regarding the charges, but Administrative Law Judge refusing to allow questions relating to the vague charges. Respondent denies that circumstances sufficient to cause jurisdiction of the National Labor Relations Act existed at the time of the filing of the charges either in the Consolidated Action or this action, including without limitation that Edwards was supervisor and that none of the individuals were discharged. Subject to the foregoing, Respondent admits the dates false charges were filed appear correct. Except as expressly admitted, denied.

7. In response to Amended Complaint allegation #7,

(a) In response to Amended Complaint allegation #7(a), it is admitted a Complaint which speaks for itself was filed on August 19, 2020 in the Consolidated Action;

(b) In response to Amended Complaint allegation #7(b), it is admitted an Administrative Law Judge conducted a hearing regarding the Complaint in the Consolidated Action. Respondent admits to attempting to question the named individuals regarding the charges in that hearing, but Administrative Law Judge

refusing to allow questions relating thereto. Except as expressly admitted, denied.

8. In response to Amended Complaint allegation #8, it is admitted that legal counsel representing four different plaintiffs filed lawsuit in Catawba County, North Carolina which Complaint (as amended) speaks for itself. It is admitted Respondent is one of four named Plaintiffs in the Civil Action. Respondent admits that while legal counsel was representing Respondent in the Consolidated Action, and in response to request to stay the Consolidated Action, counsel for the General Counsel vaguely suggested that 4 allegations of the Complaint concerned the General Counsel's office. It is admitted on October 26, 2020, Counsel for Respondent in the Consolidated Action provided letter, which included specifically:

"Also, as you know, Judge Goldman asked if the N.L.R.B. intended to pursue amending the claims to consolidate purported claims of retaliation relating to the filing of the State Court complaint. You informed me and Judge Goldman that the Region has not yet made a decision whether to pursue such claims. In our later discussions, you informed me that the Region was concerned regarding 3 or 4 allegations in the State Court complaint which mention the N.L.R.B. proceedings and that amending the State Court Complaint may resolve your concerns. You did not identify which allegations, but I believe the allegations may be the 4 times the National Labor Relations Board or NLRB is mentioned, including:

62. Upon information and belief, each of the Defendants Edwards, Ramirez and Cox submitted complaints and/or affidavits with similar untrue and/or defamatory statements to the National Labor Relations Board, including without limitation, falsely representing that Defendants were discharged.
69. Upon information and belief, Defendants have made false statements of and concerning one or more Plaintiffs similar to those statements that were published on Indeed.com, Facebook, the National Relations Board, and North Carolina Department of Commerce, Division of Employment Security, which statements are untrue.
72. Plaintiffs have incurred special damages, including without limitation, attorney's fees required to investigate, respond to and defendant against NLRB claims made due to false and defamatory statements.

96. Defendants conspired to file false claims with the National Labor Relations Board and the North Carolina Employment Security Division.

From review of those allegations, I don't understand how those allegations create concerns or would potentially allow any interference with the State Court action. However, I am certainly willing to consider any concerns by the Region. As you suggested if we are able to understand your concerns, it may be something my client would be willing to potentially amend the Complaint to avoid unnecessary legal proceedings. Please let me know the Region's concerns."

It is further admitted on November 1, 2020, and November 3, 2020 that counsel for the General Counsel spoke with and/or exchanged communications with the Respondent's counsel in the Consolidated Action (which communications including emails are incorporated herein by reference) but failed to identify any specific allegations in the state Civil Action or provide any basis for concern which might be addressed by amending the state Civil Action as a matter of right on or before November 13, 2020. It is admitted that on November 3, 2020 counsel for the General Counsel suggested Respondent's counsel review the *Manufacturers Woodworking Association of Greater New York* case. It is admitted Respondent's counsel reviewed the *Manufacturers Woodworking Association of Greater New York* case, and notified counsel for the General Counsel that the case supports that there is no basis to assert that the state Civil Action Complaint allegations support unfair labor practice or retaliatory motive. As permitted by North Carolina, PRC amended the Complaint on or about November 14, 2020, but lacking any identification of allegation or basis for concern from the General Counsel, made no changes to allegations now identified in this Amended Complaint. It is admitted that Respondent's legal counsel in the Consolidated Action sent email to Counsel for the General Counsel on November 16, 2020 requesting clarification regarding any concerns that the General Counsel may have, which email is incorporated herein by reference. Except as expressly admitted, denied.

9. In response to Amended Complaint allegation #9, the pleadings filed in state Civil Action speaks for themselves. This allegation is vague in its general reference “lawsuit” and “amended lawsuit” reflect disregard of commonly accepted nomenclature.

(a) In response to Amended Complaint #9(a), it is admitted that paragraph 62 of the Civil Action Complaint and the Amended Complaint speak for themselves, and within the context of other allegations of the Complaint and the Amended Complaint have contextual meaning. It is admitted this allegation appears to restate the allegation without reference to the other necessary and related allegations, and in doing so, attempts to recharacterize and/or mischaracterize the allegation. Except as expressly admitted, denied.

(b) In response to Amended Complaint #9(b), it is admitted that paragraph 70 of the Amended Complaint speak for itself, and within the context of other allegations of the Complaint and the Amended Complaint, has contextual meaning. It is admitted this allegation appears to restate the allegation without reference to the other necessary and related allegations, or that such allegation is within the Defamation – Slander – Per Se & Per Quod claim for relief. It is admitted without reference to the other necessary and related allegations, and this allegation attempts to recharacterize and/or mischaracterize the allegation. Except as expressly admitted, denied.

(c) In response to Amended Complaint #9(c) it is admitted that paragraph 73 of the Civil Action Amended Complaint speaks for itself, and within the context of other allegations of the Complaint and the Amended Complaint have contextual meaning. It is admitted this allegation appears to restate part of the allegation

without reference to the other necessary and related allegations, or that such allegation is within the Defamation – Slander – Per Se & Per Quod claim for relief. It is admitted without reference to the other necessary and related allegations, this allegation attempts to recharacterize and/or mischaracterize the allegation. Except as expressly admitted, denied.

- (d) In response to Amended Complaint #9(d), it is admitted that paragraph 90 of the Amended Complaint speaks for itself, and within the context of other allegations of the Complaint and the Amended Complaint have contextual meaning. It is admitted this allegation appears to restate some of the allegation without reference to the other necessary and related allegations, or that such allegation is within the Breaches of Contract (Express & Implied) Quasi Contract claim for relief. It is admitted without reference to the other necessary and related allegations, this allegation attempts to recharacterize and/or mischaracterize the allegation. It is further admitted that the same allegation was number 89 in the original Complaint. Except as expressly admitted, denied.
- (e) In response to Amended Complaint #9(e), it is admitted that paragraph 96 of the Amended Complaint speaks for itself, and within the context of other allegations of the Complaint and the Amended Complaint have contextual meaning. It is admitted this allegation appears to restate some of the allegation without reference to the other necessary and related allegations, or that such allegation is within the Conspiracy to Defame (Libel and Slander) and Breach of Contracts claim for relief. It is further admitted that the same allegation was number 94 in the original Complaint. It is admitted without reference to the

other necessary and related allegations, this allegation attempts to recharacterize and/or mischaracterize the allegation. Except as expressly admitted, denied.

- (f) In response to Amended Complaint #9(f), it is admitted that paragraph 98 of the Amended Complaint speaks for itself, and within the context of other allegations of the Complaint and the Amended Complaint have contextual meaning. It is admitted this allegation appears to restate some of the allegation without reference to the other necessary and related allegations, or that such allegation is within the Conspiracy to Defame (Libel and Slander) and Breach of Contracts claim for relief. It is admitted without reference to the other necessary and related allegations, this allegation attempts to recharacterize and/or mischaracterize the allegation. It is further admitted that the same allegation was number 96 in the original Complaint. Except as expressly admitted, denied.

10. In response to Amended Complaint allegation #10, the allegation is a vague and confusing conditional statement including “the lawsuit described in paragraph 8, to the extent relies upon the allegations set forth about in paragraph 9” which fails to allege any basis that the referenced allegations amount to statements pre-empted by federal law. Respondent denies that the state Civil Action relies on the allegations identified in paragraph 9 of this Complaint or that the allegations referenced in paragraph 9 are preempted by federal.

- (a) In response to Amended Complaint #10(a), Respondent denies that the Civil Action Complaint (as amended) or the specific paragraphs referenced therein

interferes or interfered with any arguably protected right set forth in paragraph

7. In fact, as alleged in Amended Complaint paragraph 7(b) herein, hearing was conducted, thereby disproving the allegation. Accordingly, denied.

(b) In response to Amended Complaint #10(b), Respondent denies that the Complaint or the specific paragraphs referenced therein interferes or interfered with any arguably protected right set forth in paragraph 6 or participate in proceedings set forth in paragraph 7. As set forth in Amended Complaint paragraph 7(b), hearing was conducted, thereby disproving the allegation. Accordingly, denied.

11. In response to Amended Complaint #11, the allegation is a vague and confusing conditional statement including “to the extent it relies on allegations set forth in paragraph 9(d) and (e)”, and thereby fails to allege any wrongful conduct. Further, Complaint allegation #11 contradicts the testimony adduced from Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Stiltner and Yesenia Ramirez-Zavala. Transcript from the hearing, including Krisandra Marie Edwards reflects that she did not “concertedly plan a walkout” and that her conduct while at Respondent’s office had consequences she did not intend. Further, the allegation set forth at 9(d) specifically relates to Ms. Edwards conduct as a supervisor (not protected by the NLRA) and in violation of contract to “terminate” their relationship with PRC, not “concertedly plan a walkout”. Further, testimony adduced from Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Stiltner and Yesenia Ramirez-Zavala at the hearing, including as permitted pursuant to NLRB rules, includes that the only concerted conduct subject to the allegation occurred after each Amber Whitlock, Miranda Keener Cox, Erin Stiltner

and Yesenia Ramirez-Zavala voluntarily left the employ of Respondent, and only in the course of a malicious conspiracy after Claimants left PRCs employ, which conspiracy was cover-up their tortious, unprotected conduct. Accordingly, the allegation in paragraph 9(d) is neither subject to nor preempted by the federal law. Such conduct is not protected concerted activity. Further, paragraph 9(e) does not refer to malicious intentions to cripple Respondents' business, and conduct on Facebook Posts and Indeed.com after Respondents voluntarily terminated their relationship with Respondent which are not protected by the NLRA nor arguably protected by the NLRA. The General Counsel objected to introduction of such evidence in the prior hearing, the evidence was not admitted and the General Counsel should now be estopped from now asserting a contrary position. For the foregoing reasons, and others, Complaint allegation 11 is denied.

12. In response to Amended Complaint #12, it is admitted the discovery requests issued to each Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Stiltner and Yesenia Ramirez-Zavala speak for themselves. It is further admitted that counsel on behalf of each Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Stiltner and Yesenia Ramirez-Zavala objected to providing responsive documents, and that on February 22, 2021, Counsel for the General Counsel represented on the record in the Consolidated Action that the General Counsel did not consider the discovery requests to be prejudicial and did not arise to an unfair labor practice. Respondent denies that charges relating to discovery requests were submitted by or on behalf of Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Stiltner and Yesenia Ramirez-Zavala. The following responses also incorporate by reference the foregoing:

- (a) In response to Amended Compliant #12(a), it is admitted that discovery requests sent to Edwards, a supervisor not subject to protections potentially afforded by the Act and any other discovery request submitted to other Claimant in the Consolidated Action, speak for themselves. It is denied that any charge relating to the discovery request was filed or that the discovery request violates the Act. Except as admitted, denied.
- (b) In response to Amended Compliant #12(b), it is admitted that discovery requests sent to Edwards, a supervisor not subject to protections potentially afforded by the Act and any other discovery request submitted to other Claimant in the Consolidated Action, speak for themselves. It is denied that any charge relating to the discovery request was filed or that the discovery request violates the Act. Except as admitted, denied.
- (c) In response to Amended Compliant #12(c), it is admitted that discovery requests sent to Edwards, a supervisor not subject to protections potentially afforded by the Act and any other discovery request submitted to other Claimant in the Consolidated Action, speak for themselves. It is denied that any charge relating to the discovery request was filed or that the discovery request violates the Act. Except as admitted, denied. Specifically denied as to Cox, Zavala, Whitlock and Stiltner.
- (d) In response to Amended Complaint #12(d), it is admitted that discovery requests sent to Edwards, a supervisor not subject to protections potentially afforded by the NLRA speak for themselves. It is denied that any charge relating to the discovery request was filed or that the discovery request

violates the Act. Except as admitted, denied. Specifically denied as to Cox, Zavala, Whitlock and Stiltner.

(e) In response to Amended Complaint #12(e), it is admitted that discovery requests sent to Edwards, a supervisor not subject to protections potentially afforded by the NLRA speak for themselves. It is denied that any charge relating to the discovery request was filed or that the discovery request violates the Act. Except as admitted, denied. Specifically denied as to Cox, Zavala, Whitlock and Stiltner.

(f) In response to Amended Complaint #12(f), it is admitted that discovery requests sent to Edwards, a supervisor not protected by the NLRA speak for themselves. It is denied that any charge relating to the discovery request was filed or that the discovery request violates the Act. Except as admitted, denied. Specifically denied as to Cox, Zavala, Whitlock and Stiltner.

13. In response to Amended Complaint allegation #13, the allegation is vague and confusing.

Respondent admits that Respondent's document production requests and interrogatories are relevant to all of the Plaintiffs' claims in the State Court lawsuit, and that each Plaintiff has the right to request the information in state court proceedings. It is further admitted that allegations described in Amended Complaint pertain to false and defamatory statements by Cox, Zavala, Whitlock and Stiltner, which upon determination by the NLRB and/or jury were false, serve as lawful basis for recovery by Respondent pursuant to North Carolina law. Except as expressly admitted, denied.

(a) In response to Amended Complaint #13(a), denied.

(b) In response to Amended Complaint #13(b), denied. Respondent specifically and further denies that there was any impingement of Edwards, Cox, Zavala, Whitlock and Stiltner Section 7 confidentiality interests by or through the State Court discovery process. Edwards, Cox, Zavala, Whitlock and Stiltner each objected to the request, and did not provide any responses to date. Information set forth in purportedly confidential affidavits was provided during the hearing as called for my NLRB procedure. Since reviewing the purported confidential affidavits, Respondent confirms that the Claimants' confidential affidavits contain false statements, which statements appear to have fraudulently induced the NLRB to pursue the Consolidated Action. Except as expressly admitted, denied.

14. In response to Amended Complaint allegation #14(a), it is admitted the referenced letter was emailed to legal counsel for the Respondent in the prior NLRB hearing. It is further admitted that the referenced letter speaks for itself, including that stating only that "state court jurisdiction is preempted with respect to allegations 62, 70, 73, 90, 96 and 98 of the lawsuit, unless or until such time as the Board holds the Respondent did not violate the Act by discharging employees." Further, the letter and the Complaint reference for the first time any purported concerns by the General Counsel's office regarding "interrogatories and requests for production". It is admitted that since receiving the letter, Respondent has complied therewith by not "actively" pursuing the state court action with respect to the cited allegations or specific discovery requests. Respondent further admits attempting further compliance by seeking clarification, including with regard to specific understanding of the referenced letter, and reference to specific rules of North Carolina practice and Rules of Civil Procedure, including by (and in accordance

with the letter) sending letter dated April 16, 2021, which is incorporated herein by reference, to Scott Thompson and Field Attorney Joel White. As set forth in the letter, Respondent has voluntarily and effectively stayed the state court litigation with regard to the allegations and discovery requests. Except as expressly admitted, denied.

In response to Amended Complaint allegation #14(b), the *Loehmann's Plaza* case cited, facts thereof and governing legal principles thereof speak for themselves. Respondent denies that Respondent's conduct in the state court Civil Action infringes upon or is pre-empted by Act or the Loehman Plaza principles with regard to the specific allegations and discovery requests.

15. In response to Amended Complaint allegation #15, denied.

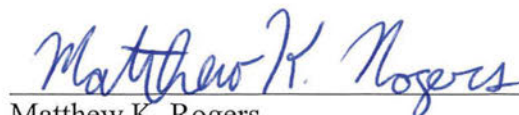
16. In response to Amended Complaint allegation #16, denied.

17. In response to Amended Complaint allegation #17, denied.

The remedies requested should be denied, and order issue finding that remedies requested by specifically deprives Respondent of rights under the Constitution of the United States, as well as North Carolina State law which is not pre-empted by any federal law. All relief requested should be denied.

Respondent reserves the right to raise any additional defenses not asserted herein of which they may become aware through investigation, as may be appropriate at a later time.

This the 11th day of May, 2021



Matthew K. Rogers

NC State Bar No.: 26992

Attorney for Respondent The Pain Relief Centers, P.A.

OF COUNSEL:
LAW OFFICES OF MATTHEW K. ROGERS, PLLC
P.O. Box 9096
Hickory, North Carolina 28603
Phone: (828) 327-2005
Fax: (828) 327-7009
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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10, SUBREGION 11**

The Pain Relief Centers, P.A.

And

Case: 10-CA-266324

Krisandra Marie Edwards, an Individual

**CERTIFICATE OF SERVICE - PAIN RELIEF CENTERS, P.A. MOTION TO DISMISS,
MOTION FOR SUMMARY JUDGMENT AND ANSWER TO KRISANDRA EDWARDS'
AMENDED COMPLAINT**

I, hereby certify that a true and correct copy of **THE PAIN RELIEF CENTERS, P.A. MOTION TO DISMISS, MOTION FOR SUMMARY JUDGMENT AND ANSWER TO KRISANDRA EDWARDS' AMENDED COMPLAINT** was filed electronically with the Agency using the NLRB e-filing system on May 11, 2021 and sent to:

Electronic mail

Joel White
Field Attorney for the NLRB
Region 10, Subregion 11
Joel.white@nlrb.gov

Electronic mail and U.S. mail to

Clark D. Tew, Esq.
Pope McMillan, P.A.
P.O. Drawer 1776
Statesville, NC 28687
ctew@popemcmillan.com

This the 11th day of May 2021.



Matthew K. Rogers
NC State Bar No.: 26992
*Attorney for Respondent The Pain Relief
Centers, P.A.*

OF COUNSEL:
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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SUBREGION 11 WINSTON-SALEM, NC**

PAIN RELIEF CENTERS

and

Case 10-CA-266324

KRISANDRA MARIE EDWARDS, an Individual

ORDER RESCHEDULING HEARING

IT IS ORDERED that the hearing in this matter is rescheduled from June 15, 2021 to **August 24, 2021**, at 10:00 a.m., via Zoom Videoconference in Winston-Salem, North Carolina. The hearing will continue on consecutive days until concluded.

Dated: July 7, 2021

Lisa Y. Henderson
Acting Regional Director
National Labor Relations Board
Region 10, By



**SCOTT C. THOMPSON
OFFICER-IN-CHARGE
NATIONAL LABOR RELATIONS BOARD
SUBREGION 11
4035 UNIVERSITY PKWY STE 200
WINSTON SALEM, NC 27106-3275**

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10, SUBREGION 11**

PAIN RELIEF CENTERS, P.A.

and

Case 10–CA–266324

KRISANDRA MARIE EDWARDS, an Individual

AMENDED COMPLAINT

Pursuant to Section 102.17 of the Rules and Regulations of the National Labor Relations Board (the Board), the Complaint and Notice of Hearing issued on April 9, 2021, is amended as follows:

1.

(a) Krisandra Marie Edwards filed the charge in this proceeding on September 18, 2020, and a copy was served on Respondent by U.S. mail on the same date.

(b) Krisandra Marie Edwards filed an amended charge in this proceeding on December 2, 2020, and a copy was served on Respondent by U.S. mail on December 3, 2020.

2.

At all material times, Respondent has been a professional corporation engaged in interventional pain and addiction management from its medical offices in Conover and Salisbury, North Carolina.

3.

In conducting its operations as described above in paragraph 2, Respondent annually derives gross revenues in excess of \$250,000 and purchases and receives at its Conover and

Salisbury, North Carolina medical offices goods valued in excess of \$5,000 directly from points outside the State of North Carolina.

4.

At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act and has been a health care institution within the meaning of Section 2(14) of the Act.

5.

(a) At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Dr. Hans Hansen	—	Owner
Sharese Cromer	—	Practice Manager

(b) At all material times, Respondent's unnamed legal representative has been an agent of Respondent within the meaning of Section 2(13) of the Act.

6.

The individuals below, on the dates set forth next to their names, filed with the Board the identified unfair labor practice charges against Respondent and, in the case of Amber Whitlock, an amended charge against Respondent.

Charging Party	Case	Date Filed	Amended
Amber Whitlock	10-CA-260563	May 19, 2020	Aug. 18, 2020
Krisandra Marie Edwards	10-CA-260566	May 19, 2020	
Miranda Keener Cox	10-CA-260569	May 19, 2020	
Erin Whitlock Stiltner	10-CA-260570	May 19, 2020	
Yesenia Ramirez-Zavala	10-CA-260703	May 22, 2020	

7.

(a) Following an investigation, the Acting Regional Director of Region 10, on August 19, 2020, issued a Complaint and Notice of Hearing against Respondent on the charges identified above in paragraph 6; and

(b) On February 22, 23, 24, and March 2, 2021, an Administrative Law Judge of the Board conducted a hearing on the unfair labor practice charges and Complaint described above in paragraphs 6 and 7(a), respectively.

8.

About September 1, 2020, Respondent, by its unnamed legal representative described above in paragraph 5(b), filed and since then has prosecuted a lawsuit against Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Whitlock Stiltner, and Yesenia Ramirez-Zavala, in the Superior Court of North Carolina in Catawba County, including by amending its lawsuit on about November 13, 2020.

9.

The lawsuit described above in paragraph 8 includes the following allegations:

(a) 62.^[1] Upon information and belief, each of the Defendants Edwards, Ramirez and Cox submitted complaints and/or affidavits with similar untrue and/or defamatory statements to the National Labor Relations Board, including without limitation, falsely representing that Defendants were discharged.

¹ These numbers correspond to Respondent's numbered complaint paragraphs in its amended lawsuit.

(b) 70. Upon information and belief, Defendants have made false statements of and concerning one or more Plaintiffs similar to those statements that were published on Indeed.com, Facebook, the National Relations Board [sic], and North Carolina Department of Commerce Division of Employment Security, which statements are untrue.

(c) 73. Plaintiffs have incurred special damages, including without limitation, attorney's fees required to investigate, respond to and defendant [sic] against NLRB claims made due to false and defamatory statements.

(d) 90. Edwards breached the terms of the "Nurse Practitioner Employment Contract" by soliciting, inducing, and attempting to influence" [sic] the four employees that Edwards supervised to terminate their relationship with PRC [Respondent Pain Relief Centers, P.A].

(e) 96. Edwards, Amber, Mandy, Erin and Yesenia [sic], without telling PRC to leave [sic] PRC's practice together intending to cripple PRC's business. Their Facebook posts support a complete disregard for their jobs and patient care responsibilities during a pandemic. The Facebook posts and Indeed posts support disrespect for Mrs. Cromer and malicious intent with regard to their actions.

(f) 98. Defendants conspired to file false claims with the National Labor Relations Board and the North Carolina Employment Security Division.

10.

The lawsuit described above in paragraph 8, to the extent it relies upon the allegations set forth above in paragraph 9, is preempted by federal law:

(a) because it interferes with the arguably protected right to engage in the conduct described above in paragraph 6 and to participate in the proceedings described above in paragraph 7.

(b) in the alternative, because it interferes with the actually protected right to engage in the conduct described above in paragraph 6, and to participate in the proceedings described above in paragraph 7.

11.

The lawsuit described above in paragraph 8, to the extent it relies upon the state-court allegations set forth above in paragraph 9(d) and (e), is preempted by federal law because these allegations target Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Whitlock Stiltner, and Yesenia Ramirez-Zavala's right under Section 7 of the Act to concertedly plan a walkout protesting their treatment at work.

12.

About September 15, 2020, Respondent served discovery requests on Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Whitlock Stiltner, and Yesenia Ramirez-Zavala relating to the lawsuit described above in paragraph 8, including a request for production of documents and interrogatories, containing the following:

(a) 11.^[2] Please provide all Documents you submitted to the National Labor Relations Board relating to the NLRB Charge and/or NLRB Complaint.

² These numbers correspond with the paragraph numbers in Respondent's First Request for Production of Documents to Defendants.

(b) 17. To the extent not provided in response to a prior requests [sic], provide all Documents that you may offer to introduce into evidence, or use as an exhibit for motion or hearing before the NLRB.

(c) 26.^[3] Please identify all persons, with sufficient specificity, for the issuance of a subpoena or notice of deposition with whom you discussed preparing, filing, and/or continuing the NLRB charges.

(d) 27. Please identify all persons, with sufficient specificity, for the issuance of a subpoena or notice of deposition with whom you discussed preparing, filing, and/or continuing the NLRB Complaint.

(e) 28. Please identify all facts you alleged support a violation of the National Labor Relations Act.

(f) 29. Please identify all persons you have contacted regarding and/or asking if such persons would be a witness relating to the charged [sic] you asserted with NLRB.

13.

Respondent's request for production of documents and interrogatories set forth above in paragraph 12 pertain to allegations described above in paragraph 9 and:

(a) are preempted by federal law as set forth in paragraphs 10 and 11 and are, therefore, not relevant to Respondent's lawsuit, and

³ These numbers correspond with the paragraph numbers in Respondent's First Set of Interrogatories to Defendant Krisandra Marie Edwards.

(b) included information related to communications protected by Section 7 of the Act, and Respondent's need for the information did not justify the requests' significant impingement of employees' Section 7 confidentiality interests.

14

(a) About April 9, 2021, the Acting Regional Director for Region 10 of the Board, by the Officer-In-Charge of Subregion 11, by letter, advised Respondent that as a result of the issuance of the Complaint and Notice of Hearing on April 9, 2021, the allegations described above in paragraph 9 and requests for production of documents and interrogatories described above in paragraph 12 are preempted until such time as the Board determines that those allegations are lawful under the Act. The letter further advised Respondent that it had 7 days to stay the lawsuit with respect to the cited allegations and specific discovery requests or withdraw the allegations and discovery requests, or Respondent might be subject to additional liability under the Act.

(b) The allegations described above in paragraph 9 and requests for production of documents and interrogatories described above in paragraph 12 are preempted under *Loehmann's Plaza*, 305 NLRB 663 (1991), because the Board has exclusive jurisdiction over the issues they raise.

15.

Since about April 16, 2021 and continuing to date, Respondent is pursuing the allegations described above in paragraph 9 and requests for production of documents and interrogatories described above in paragraph 12, despite receiving the notification referred to in paragraph 14.

By the conduct described above in paragraphs 8 through 13, and paragraph 15, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

17.

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

REMEDIES

As part of the remedy for the unfair labor practices alleged above in paragraphs 8 through 13 and paragraphs 15 and 16, the General Counsel seeks an Order requiring Respondent to withdraw the allegations in its lawsuit described above in paragraph 9, and its discovery requests described above in paragraph 12, with prejudice, and to reimburse Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Whitlock Stiltner, and Yesenia Ramirez-Zavala, for all costs and expenses incurred in defending themselves regarding the preempted allegations described above in paragraph 9, the discovery requests described above in paragraph 12, and those attendant to pursuing this matter, Case 10–CA–266324.

As part of the remedy for the unfair labor practices alleged above in paragraphs 8 through 13 and paragraphs 15 and 16, the General Counsel also seeks an Order requiring that at a meeting or meetings scheduled to ensure the widest possible attendance, Respondent's representative Hans Hansen, in the presence of Sharese Cromer and a Board Agent, to read the notice to the employees in English on worktime. Alternatively, the General Counsel seeks an order requiring that Respondent promptly have a Board agent read the notice to employees during worktime in the presence of Hans Hansen and Sharese Cromer.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

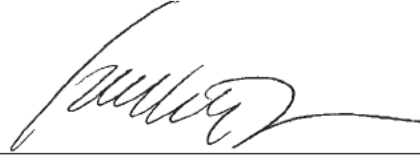
Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the amended complaint. The answer must be **received by this office on or before August 26, 2021, or postmarked on or before August 25, 2021.**

Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a PDF document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a PDF file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three business days after the date of electronic filing. Service of the answer on each of the other

parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the amended complaint are true.

Dated: August 12, 2021

A handwritten signature in black ink, appearing to read 'Scott C. Thompson', is written over a horizontal line.

Scott C. Thompson
Officer-In-Charge
National Labor Relations Board
Region 10, Subregion 11
4035 University Pkwy Suite 200
Winston Salem, NC 27106-3275

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10, SUBREGION 11**

PAIN RELIEF CENTERS

and

Case 10-CA-266324

KRISANDRA MARIE EDWARDS, an Individual

AFFIDAVIT OF SERVICE OF: Amended Complaint

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **August 12, 2021**, I served the above-entitled document(s) by **electronic service**, as noted below, upon the following persons, addressed to them at the following addresses:

Hans Hansen, Dr.
Pain Relief Centers
1224 Commerce St SW Ste D
Conover, NC 28613
Email: hhansen@painreliefcenters.com

ELECTRONIC SERVICE

Matthew K. Rogers
PO Box 9096
Hickory, NC 28603
Email: rogersmk@mrbizlaw.com

ELECTRONIC SERVICE

Jonathan W. Yarbrough, Esq.
Constangy, Brooks, Smith & Prophete, LLP
84 Peachtree Rd Ste 230
Asheville, NC 28803-3160
Email: jyarbrough@constangy.com

ELECTRONIC SERVICE

David P. Phippen, Esq.
Constangy, Brooks, Smith & Prophete, LLP
12500 Fair Lakes Cir Ste 300
Fairfax, VA 22033-3804
Email: dhippen@constangy.com

ELECTRONIC SERVICE

(OVER)

Krisandra Marie Edwards
1912 Cordia Cir
Newton, NC 28658-8292
Email: kedwards63@rocketmail.com

ELECTRONIC SERVICE

August 12, 2021

Date

Kevin Crawford, Designated Agent of NLRB

Name

/s/ Kevin Crawford

Signature

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10, SUBREGION 11**

PAIN RELIEF CENTERS, P.A.

and

Case 10–CA–266324

KRISANDRA MARIE EDWARDS, an Individual

THIRD AMENDED COMPLAINT

Pursuant to Section 102.17 of the Rules and Regulations of the National Labor Relations Board (the Board), the Complaint and Notice of Hearing issued on April 9, 2021, and amended on April 27, 2021 and August 12, 2021, is further amended as follows:

1.

(a) Krisandra Marie Edwards filed the charge in this proceeding on September 18, 2020, and a copy was served on Respondent Pain Relief Centers, P.A. by U.S. mail on the same date.

(b) Krisandra Marie Edwards filed an amended charge in this proceeding on December 2, 2020, and a copy was served on Respondent by U.S. mail on December 3, 2020.

2.

At all material times, Respondent has been a professional corporation engaged in interventional pain and addiction management from its medical offices in Conover and Salisbury, North Carolina.

3.

In conducting its operations as described above in paragraph 2, Respondent annually derives gross revenues in excess of \$250,000 and purchases and receives at its Conover and Salisbury, North Carolina medical offices goods valued in excess of \$5,000 directly from points outside the State of North Carolina.

4.

At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act and has been a health care institution within the meaning of Section 2(14) of the Act.

5.

(a) At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Dr. Hans Hansen	—	Owner
Sharese Cromer	—	Practice Manager

(b) At all material times, Respondent's unnamed legal representative has been an agent of Respondent within the meaning of Section 2(13) of the Act.

6.

The individuals below, on the dates set forth next to their names, filed with the Board the identified unfair labor practice charges against Respondent and, in the case of Amber Whitlock, an amended charge against Respondent.

Charging Party	Case	Date Filed	Amended
Amber Whitlock	10-CA-260563	May 19, 2020	Aug. 18, 2020
Krisandra Marie Edwards	10-CA-260566	May 19, 2020	

Miranda Keener Cox	10-CA-260569	May 19, 2020	
Erin Whitlock Stiltner	10-CA-260570	May 19, 2020	
Yesenia Ramirez-Zavala	10-CA-260703	May 22, 2020	

7.

(a) Following an investigation, the Acting Regional Director of Region 10, by the Officer-in-Charge of Subregion 11, on August 19, 2020, issued a Complaint and Notice of Hearing against Respondent on the charges identified above in paragraph 6; and

(b) On February 22, 23, 24, and March 2, 2021, an Administrative Law Judge of the Board conducted a hearing on the unfair labor practice charges and Complaint described above in paragraphs 6 and 7(a), respectively.

(c) On May 13, 2021, Administrative Law Judge David I. Goldman issued a Decision and Recommended Order finding that Respondent violated Section 8(a)(1) of the Act by interrogating employees about their and other employees' views and discussions about Sharese Cromer and by discharging Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Whitlock Stiltner, and Yesenia Ramirez-Zavala for initiating a walkout.

8.

(a) About September 1, 2020, Respondent, by its unnamed legal representative described above in paragraph 5(b), filed and since then has maintained and prosecuted a lawsuit against Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Whitlock Stiltner, and Yesenia Ramirez-Zavala, in the Superior Court of North Carolina in Catawba County, including by amending its lawsuit on about November 13, 2020.

(b) (i) “Plaintiffs” in the lawsuit include Respondent; and (ii) “Defendants” in the lawsuit refers to Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Whitlock Stiltner, and Yesenia Ramirez-Zavala, or some of these employees when separately named.

9.

The lawsuit described above in paragraph 8 includes the following allegations:

(a) 57^[1]. The Indeed post that must be attributed to Ms. Edwards includes untrue statements intended to and impeaching Dr. Hansen in his profession and subject him to contempt or disgrace, including:

“Very poor management. Abundance of hostility towards staff. Supervising physician (also owner).....[sic] allows office management to yell at providers. The company goes thru staff like underwear.”

(b) 58. The Indeed post that must be attributed to one of the Five Former Employees, which one Plaintiff is uncertain (prior to discovery), stating:

“RUN! RUN and do not look back! This practice is ran [sic] by a maniac! She is a terrible manager and so are the practices owners!....[sic] When not ONE but FIVE employees are fired the same day you know there is a problem!”

(c) 60. The Indeed post that must [sic] attributed to one of the Five Former Employees, which one Plaintiff is uncertain (prior to discovery), stating:

“Absolutely nothing but drama and lies. The management is completely unprofessional. The management has no idea of what they are doing.... No one has been there longer than 2-3 years except the owner obviously.... Very hostile work environment....”

¹ These numbers correspond to Respondent’s numbered complaint paragraphs in its amended lawsuit.

(d) 62. Upon information and belief, each of the Defendants Edwards, Ramirez and Cox submitted complaints and/or affidavits with similar untrue and/or defamatory statements to the National Labor Relations Board, including without limitation, falsely representing that Defendants were discharged.

(e) 63. Defendants resigned, violated North Carolina medical board practices for continuation of care and refused to return to work despite there being ample available work.

(f) 64. Upon information and belief, Defendants submitted complaints and/or affidavits with similar untrue and/or defamatory statements to the North Carolina Department of Commerce, Division of Employment Security, including without limitation, falsely representing that Defendants were terminated.

(g) 66. Upon information and belief, conspired to quit, defame Plaintiffs and defraud the state of unemployment payments intended for terminated employees.

(h) 70. Upon information and belief, Defendants have made false statements of and concerning one or more Plaintiffs similar to those statements that were published on Indeed.com, Facebook, the National Relations Board, and North Carolina Department of Commerce Division of Employment Security, which statements are untrue.

(i) 71. Defendants maliciously made false statements of and concerning one or more Plaintiffs with actual malice intending to tends [sic] to impeach a Plaintiff's [sic] in that person's trade or profession; or otherwise tends to subject one to ridicule, contempt or disgrace.

(j) 73. Plaintiffs have incurred special damages, including without limitation, attorney's fees required to investigate, respond to and defendant [sic] against NLRB claims made due to false and defamatory statements.

(k) 85. All defendants, including Edwards, breached one or more provisions of their employment agreements including violations of numerous provisions of [Respondent] PRC's employment handbooks.

(l) 90. Edwards breached the terms of the "Nurse Practitioner Employment Contract" by soliciting, inducing, and attempting to influence" [sic] the four employees that Edwards supervised to terminate their relationship with PRC.

(m) 92. PRC believes that in addition to the danger caused to patients' health and safety on May 14, the conduct of the former employees [sic] breach of contract continue [sic] to harm that patient health and safety.

(n) 96. Edwards, Amber, Mandy, Erin and Yesenia, without telling PRC to leave [sic] PRC's practice together intending to cripple PRC's business. Their Facebook posts support a complete disregard for their jobs and patient care responsibilities during a pandemic. The Facebook posts and Indeed posts support disrespect for Mrs. Cromer and malicious intent with regard to their actions.

(o) 97. The specific facts alleged above and below, set forth facts establishing that Defendants conspired to breach their contracts in a malicious manner designed to harm Plaintiffs, and then maliciously defame Plaintiffs to hurt the owners of PRC and PRC's business.

(p) 98. Defendants conspired to file false claims with the National Labor Relations Board and the North Carolina Employment Security Division.

10.

The lawsuit described above in paragraph 8, to the extent it relies upon the allegations set forth above in paragraphs 9(d), 9(h), 9(j), 9(l), 9(n), and 9(p), is preempted by federal law,

(a) because it interferes with the arguably protected right to engage in the conduct described above in paragraph 6 and to participate in the proceedings described above in paragraph 7;

(b) in the alternative, because it interferes with the actually protected right to engage in the conduct described above in paragraph 6, and to participate in the proceedings described above in paragraph 7.

11.

The lawsuit described above in paragraph 8, to the extent it relies upon the state-court allegations set forth above in paragraphs 9(l) and 9(n), are preempted by federal law because these allegations target the right of the following employees under Section 7 of the Act to concertedly plan a walkout protesting their treatment at work: Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Whitlock Stiltner, and Yesenia Ramirez-Zavala.

12.

The lawsuit allegations described above in paragraphs 9(a) through 9(e), 9(g), 9(i) through 9(n) are baseless.

13.

(a) The lawsuit allegations described above in paragraphs 9(f) and 9(h) are baseless to the extent that Respondent asserts that written statements published on Indeed.com and Facebook and given to the NLRB contained false statements of fact as opposed to opinion, rhetorical hyperbole, or truthful statements.

(b) The lawsuit allegations described above in paragraphs 9(o) and 9(p) are baseless to the extent that Respondent relies on the premise that employees resigned or falsely claimed that they were terminated.

14.

Respondent filed the lawsuit allegations described above in paragraphs 12 and 13, with a retaliatory motive because it seeks to enjoin activity protected by the Act.

15

About September 15, 2020, Respondent served discovery requests on Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Whitlock Stiltner, and Yesenia Ramirez-Zavala relating to the lawsuit described above in paragraph 8, including a request for production of documents and interrogatories, containing the following:

(a) 11.^[2] Please provide all Documents you submitted to the National Labor Relations Board relating to the NLRB Charge and/or NLRB Complaint.

(b) 17. To the extent not provided in response to a prior requests [sic], provide all Documents that you may offer to introduce into evidence, or use as an exhibit for motion or hearing before the NLRB.

(c) 26. Please identify all persons, with sufficient specificity, for the issuance of a subpoena or notice of deposition with whom you discussed preparing, filing, and/or continuing the NLRB charges.

(d) 27. Please identify all persons, with sufficient specificity, for the issuance of a subpoena or notice of deposition with whom you discussed preparing, filing, and/or continuing the NLRB Complaint.

(e) 28. Please identify all facts you alleged support a violation of the National Labor Relations Act.

² These numbers correspond with the paragraph numbers in Respondent's First Request for Production of Documents to Defendants and Respondent's First Set of Interrogatories to Defendants.

(f) 29. Please identify all persons you have contacted regarding and/or asking if such person would be a witness relating to the charged [sic] you asserted with NLRB.

16.

Respondent's request for production of documents and interrogatories set forth above in paragraph 15 pertain to allegations described above in paragraphs 9(d), 9(h), 9(j), 9(l), 9(n), and 9(p), and

(a) are preempted by federal law as set forth in paragraphs 10 and 11 and are, therefore, not relevant to Respondent's lawsuit, and

(b) included information related to communications protected by Section 7 of the Act, and Respondent's need for the information did not justify the requests' significant impingement of employees' Section 7 confidentiality interests.

17.

(a) About April 9, 2021, the Acting Regional Director for Region 10 of the Board, by the Officer-In-Charge of Subregion 11, by letter, advised Respondent that as a result of the issuance of the Complaint and Notice of Hearing on April 9, 2021, the allegations described above in paragraphs 9(d), 9(h), 9(j), 9(l), 9(n), and 9(p) and requests for production of documents and interrogatories described above in paragraph 15 are preempted until such time as the Board determines that those allegations are lawful under the Act. The letter further advised Respondent that it had 7 days to stay the lawsuit with respect to the cited allegations and specific discovery requests or withdraw the allegations and discovery requests, or Respondent might be subject to additional liability under the Act.

(b) The allegations described above in paragraphs 9(d), 9(h), 9(j), 9(l), 9(n), and 9(p) and requests for production of documents and interrogatories described above in paragraph 15 are preempted under *Loehmann's Plaza*, 305 NLRB 663 (1991), because the Board has exclusive jurisdiction over the issues they raise.

18.

Between April 16, 2021 and June 30, 2021, Respondent pursued the allegations described above in paragraphs 9(d), 9(h), 9(j), 9(l), 9(n), and 9(p) and requests for production of documents and interrogatories described above in paragraph 15, despite receiving the notification referred to in paragraph 17.

19.

By the conduct described above in paragraphs 8 through 16, and paragraph 18, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

20.

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

REMEDIES

As part of the remedy for the unfair labor practices alleged above in paragraphs 8 through 16 and paragraphs 18 and 19, the General Counsel seeks an Order requiring Respondent to withdraw the allegations in its lawsuit described above in paragraph 9, and its discovery requests described above in paragraph 15, with prejudice, and to reimburse Amber Whitlock, Krisandra Marie Edwards, Miranda Keener Cox, Erin Whitlock Stiltner, and Yesenia Ramirez-Zavala, for all costs and expenses incurred in defending themselves regarding the allegations described above

in paragraph 9, the discovery requests described above in paragraph 15, and those attendant to pursuing this matter, Case 10–CA–266324.

As part of the remedy for the unfair labor practices alleged above in paragraphs 8 through 16 and paragraphs 18 and 19, the General Counsel also seeks an Order requiring that at a meeting or meetings scheduled to ensure the widest possible attendance, Respondent’s representative Hans Hansen, in the presence of Sharese Cromer and a Board Agent, to read the notice to the employees on worktime. Alternatively, the General Counsel seeks an order requiring that Respondent promptly have a Board agent read the notice to employees during worktime in the presence of Hans Hansen and Sharese Cromer.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board’s Rules and Regulations, it must file an answer to the second amended complaint. The answer must be **received by this office on or before September 2, 2021, or postmarked on or before September 1, 2021.** Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency’s website. To file electronically, go to www.nlrb.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency’s website informs users that the Agency’s E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time)

on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a PDF document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a PDF file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the second amended complaint are true.

Dated: August 19, 2021

A handwritten signature in black ink, appearing to read "Scott C. Thompson", is written over a horizontal line.

Scott C. Thompson
Acting Regional Director
National Labor Relations Board
Region 10, Subregion 11
4035 University Pkwy Suite 200
Winston Salem, NC 27106-3275

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10, SUBREGION 11**

PAIN RELIEF CENTERS, P.A.

and

Case 10-CA-266324

KRISANDRA MARIE EDWARDS, an Individual

AFFIDAVIT OF SERVICE OF: Third Amended Complaint

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **August 19, 2021**, I served the above-entitled document(s) by **electronic service**, as noted below, upon the following persons, addressed to them at the following addresses:

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Pain Relief Centers
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Email: kedwards63@rocketmail.com

ELECTRONIC SERVICE

August 19, 2021

Date

Kevin Crawford, Designated Agent of NLRB

Name

/s/ Kevin Crawford

Signature

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10, SUBREGION 11**

PAIN RELIEF CENTERS, P.A.

and

Case 10-CA-266324

KRISANDRA MARIE EDWARDS, an Individual

ORDER RESCHEDULING HEARING

IT IS ORDERED that the hearing in this matter is rescheduled from August 24, 2021 to **September 21, 2021 at 9:30 a.m.** via Zoom Videoconference from Winston-Salem, North Carolina. The hearing will continue on consecutive days until concluded.

Dated: September 1, 2021

Lisa Y. Henderson
Regional Director
National Labor Relations Board
Region 10, by



Scott C. Thompson
Officer-In-Charge
National Labor Relations Board
Subregion 11
4035 University Pkwy Suite 200
Winston Salem, NC 27106-3275

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10, SUBREGION 11

PAIN RELIEF CENTERS, P.A.)	
)	
and)	10-CA-266324
)	
KRISANDRA MARIE EDWARDS)	

ANSWER TO THIRD AMENDED COMPLAINT

Pain Relief Centers, P.A., ("Respondent") answers the allegations of the Third Amended Complaint as follows:

FIRST DEFENSE

Respondent responds to the numbered allegation paragraphs as follows:

1. (a) Respondent is without knowledge or information sufficient to admit or deny the allegations of Paragraph 1. (a) of the Third Amended Complaint.
1. (b) Respondent is without knowledge or information sufficient to admit or deny the allegations of Paragraph 1. (b) of the Third Amended Complaint.
2. Respondent admits the allegations of Paragraph 2 of the Third Amended Complaint.
3. Respondent admits the allegations of Paragraph 3 of the Third Amended Complaint.
4. Respondent states that the allegation calls for a legal conclusion as to which no response is required, admits that it has been an employer engaged in commerce within the meaning of the Act, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 4 of the Third Amended Complaint.
5. (a) Respondent states that the allegation calls for legal conclusions as to which no response is required, admits that Dr. Hans Hansen is the "owner" of Respondent, denies that "Owner" is an official title or position of Respondent and thus denies that he "held the

position” of “Owner” of Respondent, admits that Sharese Cromer “held the position” of “Office Manager” of Respondent, denies that Sharese Cromer “held the position” of “Practice Manager” of Respondent and thus was the agent as alleged, and, is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 5 (a) of the Third Amended Complaint, as the phrase, “At all material times,” is vague and ambiguous.

5. (b) Respondent is without knowledge or information sufficient to admit or deny the allegations of Paragraph 5 (b) of the Third Amended Complaint, as the “unnamed legal representative” is “unnamed,” and thus that term and the phrase, “At all material times,” are vague and ambiguous.

6. Respondent is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 6 of the Third Amended Complaint.

7. (a) Respondent incorporates by reference its response to Paragraph 6 above, admits that a Complaint and Notice of Hearing was issued in this case, but is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 7 (a) of the Third Amended Complaint.

7. (b) Respondent incorporates by reference its response to Paragraph 6 and 7 (a) above, admits that a hearing was conducted on the dates alleged, but is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 7 (b) of the Third Amended Complaint.

7. (c) Respondent denies the allegations of Paragraph 7(c) of the Third Amended Complaint, as the Decision and Recommended Order is a document that speaks for itself and the allegations of Paragraph 7 (c) of the Third Amended Complaint do

not correctly quote that document, which is subject to pending Exceptions and not a binding and/or final decision and/or order.

8. (a) Given the reference to an “unnamed legal representative” in Paragraph 5 (b), Respondent is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 8(a) of the Third Amended Complaint.

8. (b) Respondent denies the allegations of Paragraph 8(b) that Krisandra Marie Edwards is an “employee” within the meaning of the Act, and given the reference to an “unnamed legal representative” in Paragraph 5 (b), Respondent is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 8(a) of the Third Amended Complaint.

9. (a) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Krisandra Marie Edwards is an “employee” within the meaning of the Act, states that the allegations in the lawsuit speak for themselves, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 9 (a) of the Third Amended Complaint.

9. (b) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Krisandra Marie Edwards is an “employee” within the meaning of the Act, states that the allegations in the lawsuit speak for themselves, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 9 (b) of the Third Amended Complaint.

9. (c) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Krisandra Marie Edwards is an “employee” within the meaning of the Act, states that the allegations in the lawsuit speak for themselves,

and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 9 (c) of the Third Amended Complaint.

9. (d) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Krisandra Marie Edwards is an “employee” within the meaning of the Act, states that the allegations in the lawsuit speak for themselves, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 9 (d) of the Third Amended Complaint.

9. (e) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Krisandra Marie Edwards is an “employee” within the meaning of the Act, states that the allegations in the lawsuit speak for themselves, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 9 (e) of the Third Amended Complaint.

9. (f) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Krisandra Marie Edwards is an “employee” within the meaning of the Act, states that the allegations in the lawsuit speak for themselves, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 9 (f) of the Third Amended Complaint.

9. (g) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Krisandra Marie Edwards is an “employee” within the meaning of the Act, states that the allegations in the lawsuit speak for themselves, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 9 (g) of the Third Amended Complaint.

9. (h) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Krisandra Marie Edwards is an “employee” within the meaning of the Act, states that the allegations in the lawsuit speak for themselves, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 9 (h) of the Third Amended Complaint.

9. (i) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Krisandra Marie Edwards is an “employee” within the meaning of the Act, states that the allegations in the lawsuit speak for themselves, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 9 (i) of the Third Amended Complaint.

9. (j) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Krisandra Marie Edwards is an “employee” within the meaning of the Act, states that the allegations in the lawsuit speak for themselves, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 9 (j) of the Third Amended Complaint.

9. (k) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Krisandra Marie Edwards is an “employee” within the meaning of the Act, states that the allegations in the lawsuit speak for themselves, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 9 (k) of the Third Amended Complaint.

9. (l) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Krisandra Marie Edwards is an “employee” within the meaning of the Act, states that the allegations in the lawsuit speak for themselves,

and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 9 (l) of the Third Amended Complaint.

9. (m) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Krisandra Marie Edwards is an “employee” within the meaning of the Act, states that the allegations in the lawsuit speak for themselves, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 9 (m) of the Third Amended Complaint.

9. (n) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Krisandra Marie Edwards is an “employee” within the meaning of the Act, states that the allegations in the lawsuit speak for themselves, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 9 (n) of the Third Amended Complaint.

9. (o) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Krisandra Marie Edwards is an “employee” within the meaning of the Act, states that the allegations in the lawsuit speak for themselves, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 9 (o) of the Third Amended Complaint.

9. (p) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Krisandra Marie Edwards is an “employee” within the meaning of the Act, states that the allegations in the lawsuit speak for themselves, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 9 (p) of the Third Amended Complaint.

10. (a) Respondent incorporates by reference its responses to Paragraphs 6, 7 (a), (b), & (c), and 8 (a) and (b) above, states that the allegation calls for a legal conclusion as to which no response is required, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 10 (a) of the Third Amended Complaint.

10. (b) Respondent incorporates by reference its responses to Paragraphs 6, 7 (a), (b), & (c), and 8 (a) and (b) above, states that the allegation calls for a legal conclusion as to which no response is not required, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 10 (b) of the Third Amended Complaint.

11. Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, states that the allegation calls for a legal conclusion as to which no response is required, denies that Charging Party Edwards is an “employee” within the meaning of the Act, and denies any remaining allegations of Paragraph 11 of the Third Amended Complaint.

12. Respondent denies the allegations of Paragraph 12 of the Third Amended Complaint.

13. (a) Respondent denies the allegations of Paragraph 13 (a) of the Third Amended Complaint.

13. (b) Respondent denies the allegations of Paragraph 13 (b) of the Third Amended Complaint.

14. Respondent denies the allegations of Paragraph 14 of the Third Amended Complaint

15. (a) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Charging Party Edwards is an “employee” within the meaning of the Act, states that the discovery requests in the lawsuit speak for themselves, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 15 (a) of the Third Amended Complaint.

15. (b) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Charging Party Edwards is an “employee” within the meaning of the Act, states that the discovery requests in the lawsuit speak for themselves, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 15 (b) of the Third Amended Complaint.

15. (c) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Charging Party Edwards is an “employee” within the meaning of the Act, states that the discovery requests in the lawsuit speak for themselves, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 15 (c) of the Third Amended Complaint.

15. (d) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Charging Party Edwards is an “employee” within the meaning of the Act, states that the discovery requests in the lawsuit speak for themselves, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 15 (d) of the Third Amended Complaint.

15. (e) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Charging Party Edwards is an “employee” within the meaning of the Act, states that the discovery requests in the lawsuit speak for

themselves, is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 15 (e) of the Third Amended Complaint.

15. (f) Respondent incorporates by reference its responses to Paragraphs 8 (a) and (b) above, denies that Charging Party Edwards is an “employee” within the meaning of the Act, states that the discovery requests in the lawsuit speak for themselves, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 15 (f) of the Third Amended Complaint.

16. (a) Respondent states that the allegation calls for a legal conclusion as to which no response is required, and denies any remaining allegations of Paragraph 16 (a) of the Third Amended Complaint.

16. (b) Respondent states that the allegation calls for a legal conclusion as to which no response is required, and denies any remaining allegations of Paragraph 16 (b) of the Third Amended Complaint.

17. (a) Respondent incorporates by reference its responses to Paragraphs 9 (d), (h), (j), (l), (n), & (p) and Paragraph 15 above, denies that Charging Party Edwards is an “employee” within the meaning of the Act and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 17 (a) of the Third Amended Complaint.

17. (b) Respondent incorporates by reference its responses to Paragraphs 9 (d), (h), (j), (l), (n), & (p) and Paragraph 15 above, states that the allegation calls for a legal conclusion as to which no response is required, denies that Charging Party Edwards is an “employee” within the meaning of the Act, and is without knowledge or information

sufficient to admit or deny any remaining allegations of Paragraph 17 (b) of the Third Amended Complaint.

18. Respondent incorporates by reference its responses to Paragraphs 9 (d), (h), (j), (l), (n), & (p), Paragraph 15, and paragraph 17 above, denies that Charging Party Edwards is an “employee” within the meaning of the Act, and is without knowledge or information sufficient to admit or deny any remaining allegations of Paragraph 18 of the Third Amended Complaint.

19. Respondent states that the allegation calls for a legal conclusion as to which no response is required, denies that Charging Party Edwards is an “employee” within the meaning of the Act, and denies any remaining allegations of Paragraph 19 of the Third Amended Complaint.

20. Respondent states that the allegation calls for a legal conclusion as to which no response is required, denies that Charging Party Edwards is an “employee” within the meaning of the Act, denies any unfair labor practice alleged, and denies any remaining allegations of Paragraph 20 of the Third Amended Complaint.

21. Respondent denies any and all allegations of the Remedies section of the Third Amended Complaint and denies that any remedy is appropriate and/or lawful.

22. Respondent denies any allegation of the Third Amended Complaint not expressly admitted above.

SECOND DEFENSE

Some or all of the allegations of the Third Amended Complaint are based on “unprotected” activities of “employees” named in the Third Amended Complaint without protection under the National Labor Relations Act.

THIRD DEFENSE

Charging Party Edwards is a “supervisor” within the meaning of section 2(11) of the Act and not an “employee” within the meaning of the Act, and thus she has no Section 7 rights under the Act allegedly violated.

FOURTH DEFENSE

The Third Amended Complaint is invalidly issued under the Act and the case invalidly prosecuted in violation of the Act because there is no validly-seated General Counsel or Acting General Counsel of the Board at the present time, as the sitting General Counsel was forcibly removed from office before the end of his statutory “term” without valid basis.

FIFTH DEFENSE

The Administrative Law Judge is without subject matter jurisdiction to hear and issue a Decision and Recommended Order in the case because the Third Amended Complaint is invalidly issued under the Act and the case invalidly prosecuted in violation of the Act, as there is no validly-seated General Counsel or Acting General Counsel of the Board at the present time, because the validly-seated General Counsel was forcibly removed from office before the end of his statutory “term” without valid basis.

SIXTH DEFENSE

The Board’s case prosecution violates the U. S. Constitution and the Act because the Administrative Law Judge and the General Counsel have no true separateness from the Executive Branch and the Board’s status as a purported independent, quasi-judicial body is a fiction if the President can validly terminate the “term” of the General

Counsel, Board employees and agents, and/or any Administrative Law Judge without cause or for political reason.

SEVENTH DEFENSE

The forcible removal of the valid General Counsel before the end of his statutory “term” is inherently intimidating, threatening, and coercive of all agents of the Board, including the Administrative Law Judges of the Board, and thus the proceedings herein before any Administrative Law Judge of the Board deny Respondent’s due process right under the U.S. Constitution and the Act to a fair hearing before an independent, quasi-judicial body to hear and decide the case.

EIGHTH DEFENSE

Assuming arguendo, if the forcible removal of the validly-seated General Counsel before the end of his statutory “term” was lawful (which it is contended it was not), then the appointments of the Board’s Administrative Law Judges are invalid under the Appointments Clause of the U.S. Constitution because the Board is not an “independent, quasi-judicial body” that is truly independent of Executive Branch control.

NINTH DEFENSE

The Third Amended Complaint unlawfully attempts to expand the Act’s preemption doctrine beyond lawful limits, including covering issues that are validly within the jurisdiction of state court judges and juries.

TENTH DEFENSE

The Third Amended Complaint unlawfully attempts to expand federal preemption to areas of valid state regulation, namely North Carolina health and

safety laws, defamation laws, breach of contract laws, and conspiracy laws, which protect the safety, health, and welfare of North Carolina citizens with rights to trials by jury and through control of conduct by Medical Boards and Nursing Boards.

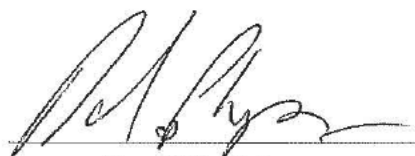
ELEVENTH DEFENSE

The "Answer Requirement" section of the Third Amended Complaint is defective, in that it, at pages 11 and 12, purports to require answer to a "second amended complaint" that has been wholly superseded by the Third Amended Complaint.

Respectfully submitted this 2nd day of September, 2021

Jonathan W. Yarbrough

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Answer to the Third Amended Complaint have this date been served by e-file system and by email to the following:

Joel R. White
Counsel for the Acting General Counsel
Region 10, Subregion 11 Republic Square
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Krisandra Edwards
1912 Cordia Cir.
Newton, NC 28658
kedwards63@rocketmail.com

Dated this 2nd day of September, 2021


David P. Phippen

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

PAIN RELIEF CENTERS, P.A.

and

Case 10–CA–266324

KRISANDRA MARIE EDWARDS

NOTICE OF RATIFICATION

The prosecution of this case commenced under the authority of former Acting General Counsel Peter Sung Ohr when complaint issued on April 9, 2021 and April 27, 2021. Consolidated complaints were issued under my authority on August 12, 2021, and August 19, 2021. The prosecution of this case has continued through litigation under the authority of former Acting General Counsel Ohr and myself.

Respondent has alleged that the complaint was prosecuted unlawfully because President Biden unlawfully removed former General Counsel Peter B. Robb.

I was confirmed as General Counsel on July 21, 2021. My commission was signed and I was sworn in on July 22, 2021. Former General Counsel Robb's term has indisputably now expired. In an abundance of caution, I was re-sworn in on November 29, 2021. After appropriate review and consultation with my staff, I have decided that issuance of complaint and continued prosecution of this case was and is a proper exercise of the General Counsel's broad and unreviewable discretion under Section 3(d) of the Act.

My action does not reflect an agreement with Respondent's arguments in this case or arguments in any other case challenging the validity of actions taken after President Biden removed former General Counsel Robb. Rather, my decision is a practical response aimed at facilitating the timely resolution of the unfair-labor-practice allegations that I have found to be meritorious.

For the foregoing reasons, I hereby ratify the issuance and continued prosecution of the complaint and all actions taken in this case subsequent to the

removal of former General Counsel Robb, including by former Acting General Counsel Ohr and his subordinates.

JENNIFER ABRUZZO Digitally signed by JENNIFER ABRUZZO
Date: 2021.12.21 11:07:29 -05'00'

General Counsel Jennifer A. Abruzzo

Certificate of Service

I hereby certify that copies of the foregoing General Counsel's Notice of Ratification have this date been served by electronic mail upon the following parties:

Jonathan W. Yarbrough, Esq.
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Matthew K. Rogers
PO Box 9096
Hickory, NC 28603

Krisandra Marie Edwards
1912 Cordia Cir.
Newton, NC 28658

Dated at Winston-Salem, NC, December 21, 2021

/s/ Joel R. White

Joel R. White
Counsel for General Counsel
National Labor Relations Board
Region 10, Subregion 11
Republic Square, Suite 200
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Winston-Salem, North Carolina